

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 07CR3284-WQH
)	
Plaintiff,)	
)	JOINT MOTION TO DECLARE CASE
v.)	COMPLEX
)	
OSVALDO CASTRO-GAXIOLA,)	
)	
Defendant.)	
_____)	

The parties, United States of America, by and through its counsel KAREN P. HEWITT, United States Attorney, and MICHAEL J. CROWLEY and TIMOTHY F. SALEL, Assistant United States Attorneys, and OSVALDO CASTRO-GAXIOLA, through his counsel, Joseph Milchen Esq., hereby jointly move, pursuant to 18 U.S.C. § 3161(h)(8), for the Court to declare this case complex for purposes of the Speedy Trial Act, 18 U.S.C. §§ 3161, et seq.

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1 The discovery in this case, and in related cases, is voluminous. During the criminal
2 investigation that resulted in the Indictment in this case, as well as the Indictments in criminal case
3 nos. 07CR1407-WQH and 07CR1408WQH, there were approximately 10 months of court-
4 authorized wire taps on numerous telephones and Government agents executed approximately 23
5 search warrants at residences located throughout San Diego county. The Government has
6 reproduced approximately 10 CDs containing thousands of hours of intercepted calls and
7 approximately 8 CDs containing hundreds of photographs concerning various aspects of the
8 investigation. The intercepted conversations were primarily conducted in the Spanish language and
9 many of the intercepted parties used coded language to describe drug-related transactions. The wire
10 interceptions include approximately 19,968 voice sessions and 6,907 pertinent voice sessions. The
11 discovery includes approximately 75,000 pages of line sheets, approximately 175 investigative
12 reports, over 55 drug exhibits, and over 200 non-drug exhibits.

13 In sum, based on the high volume of the discovery (including thousands of intercepted calls
14 that need to be translated from Spanish-to-English for purposes of future litigation), the complex
15 nature of the prosecutions and possible existence of novel questions of fact or law (including issues
16 related to the drug conspiracies, the Title III investigation, the search warrants, security concerns
17 related to confidential informants or cooperating defendants, and co-defendants who remain at large)
18 it would be unreasonable to expect defense counsel to be able to effectively prepare for pre-trial
19 motions and trial within the period normally prescribed by the Speedy Trial Act, 18 U.S.C. §§ 3161,
20 et seq., taking into account the exercise of due diligence. Consequently, the ends of justice served
21 by a continuance outweighs the best interest of the public and the defendants in a speedy trial.

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1 The parties respectfully request that this Court declare this case complex and order that the
2 time between December 19, 2007 and April 21, 2008 (or any other date the Court deems
3 appropriate), be deemed excludable time under the Speedy Trial Act pursuant to 18 U.S.C.
4 § 3161(h)(8) in addition to any time excludable, pursuant to 18 U.S.C. § 3161(h)(1)(F), resulting
5 from pre-trial motions already filed.

6 Respectfully submitted,

7 KAREN P. HEWITT
United States Attorney

8 DATED: April 17, 2008

9 /S/ MICHAEL J. CROWLEY
MICHAEL J. CROWLEY
Assistant U.S. Attorney

10 DATED: April 17, 2008

11 /S/ TIMOTHY F. SALEL
TIMOTHY F. SALEL
Assistant U.S. Attorney

12 DATED: April 17, 2008

13 /S/ JOSEPH MILCHEN
JOSEPH MILCHEN
Attorney for Osvaldo Castro-Gaxiola